



To the Honorable Council  
City of Norfolk, Virginia

July 21, 2015

From: PPEA Review Team

**Subject:** Amendment to the Comprehensive Agreement with S.B. Ballard Construction Company for Design and Construction of Four New Schools.

Reviewed:

Ronald H. Williams, Jr, Deputy City Manager

**Ward/Superward:** Citywide

Approved:

Marcus D. Jones, City Manager

**Item Number:**

**R-5**

I. **Recommendation:** Approve Ordinance

II. **Applicant:** City of Norfolk and S.B. Ballard Construction Company

III. **Description**

The attached ordinance authorizes the City Manager to negotiate and execute an amendment to the Comprehensive Agreement between the City of Norfolk ("City"), Norfolk Public Schools ("NPS") and S. B. Ballard Construction Company ("S.B. Ballard") for the design and construction of four new schools for the purpose of removing furniture, fixtures and equipment and information technology for each of the schools from the Comprehensive Agreement and to adjust the Projects' budget to reflect such deletion of the work. The amendment also exercises the City's option for the construction of Camp Allen Elementary School.

IV. **Analysis**

The City and NPS desire to issue a notice to proceed with the Camp Allen Project pursuant to Article 4.b. of the Comprehensive Agreement and to adjust the Projects' Schedule and Projects' Budget. Funds are now available for construction of Camp Allen due to the passage of the FY 2016 Budget.

V. **Financial Impact**

Funds for the services included in the Comprehensive Agreement have been included in the past and future Capital Improvement Program (CIP) budgets.

The City will coordinate with NPS to transition the procurement of the furniture, fixtures and equipment and information technology for each of the schools.

**VI. Environmental**

N/A

**VII. Community Outreach/Notification**

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

N/A

**IX. Coordination/Outreach**

This letter has been coordinated with the Department of Public Works and the City Attorney's office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A – Amendment to Comprehensive Agreement

Form and Correctness Approved:

Contents Approved:

By Martha P. McGinn  
Office of the City AttorneyBy   
DEPT.

NORFOLK, VIRGINIA

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**ORDINANCE No.**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN AGREEMENT IN SUBSTANTIAL CONFORMITY WITH THE TERMS AND CONDITIONS OF THE AMENDMENT TO THE COMPREHENSIVE AGREEMENT BY AND BETWEEN THE CITY OF NORFOLK, NORFOLK PUBLIC SCHOOLS, AND S.B. BALLARD CONSTRUCTION COMPANY FOR THE DESIGN AND CONSTRUCTION OF FOUR SCHOOLS KNOWN AS CAMPOSTELLA K-8 SCHOOL, BROAD CREEK PK-5 SCHOOL, OCEAN VIEW PK-5 SCHOOL AND LARCHMONT PK-5 SCHOOL, WITH AN OPTION TO DESIGN AND BUILD CAMP ALLEN PK-5 SCHOOL TO ISSUE A NOTICE TO PROCEED WITH THE CAMP ALLEN PROJECT AND TO REMOVE FURNITURE, FIXTURES AND EQUIPMENT AND INFORMATION TECHNOLOGY FROM EACH OF THE SCHOOLS.

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WHEREAS, the City of Norfolk (the "City") and Norfolk Public Schools ("NPS"), collectively the "Owner" and S.B. Ballard Construction Company ("Ballard") entered into a Comprehensive Agreement for the design and construction of four schools known as Campostella K-8 School, Broad Creek PK-5 School, Ocean View PK-5 School and Larchmont PK-5 School, with an option to design and build Camp Allen PK-5 School, pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002, Va. Code § 56-575.1, *et seq.* ("PPEA") and the Guidelines adopted by the City pursuant to the PPEA (the "Comprehensive Agreement"); and



WHEREAS, the Owner desires to issue a notice to proceed with the Camp Allen Project pursuant to Article 4.b. of the Comprehensive Agreement and to adjust the Projects' Schedule and Projects' Budget attached to the Comprehensive Agreement as Exhibit B and C, respectively, to reflect such action; and

WHEREAS, the Owner and Ballard desire to amend the Comprehensive Agreement to remove furniture, fixtures and equipment and information technology for each of the schools from the Comprehensive Agreement and to adjust the Projects' Budget attached to the Comprehensive Agreement as Exhibit C to reflect such deletion of work; now therefore

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the City Manager is authorized to negotiate and execute an amendment to the Comprehensive Agreement for the design and construction of four schools known as Campostella K-8 School, Broad Creek PK-5 School, Ocean View PK-5 School, and Larchmont PK-5 School, with an option to design and build Camp Allen PK-5 School in substantial conformity with the terms and conditions of the amendment which is attached hereto as Exhibit A ("Amendment").

Section 2:- That the City Manager and the other proper officers of the City are authorized to execute the Amendment on behalf of the City and to do all things necessary and proper to carry out its terms.

Section 3:- That this ordinance is in effect from and after its adoption.

**AMENDMENT NO. 2 TO THE COMPREHENSIVE AGREEMENT  
BETWEEN THE CITY OF NORFOLK, VIRGINIA, NORFOLK PUBLIC  
SCHOOLS AND S.B. BALLARD CONSTRUCTION COMPANY**

THIS AMENDMENT NO. 2 dated the \_\_\_\_ day of July, 2015 amends the COMPREHENSIVE AGREEMENT dated December 18, 2014, between the CITY OF NORFOLK, VIRGINIA (the "City") AND NORFOLK PUBLIC SCHOOLS ("NPS") (collectively, "the Owner"), and S.B. Ballard Construction Company ("S.B. Ballard" or "the Design-Builder") (the "Comprehensive Agreement"). The Owner and the Design-Builder are referred to individually as a "Party" and collectively as "the Parties".

WITNESSETH:

For and in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner and the Design-Builder agree as follows:

1. GENERAL SCOPE OF WORK. The Owner shall issue a notice to proceed with the Camp Allen Project and it shall be considered an Authorized Project pursuant to Article 4.b. of the Comprehensive Agreement. The provision of furniture, fixtures and equipment and information technology set forth in the Comprehensive Agreement and to be provided under the Design-Build agreements is hereby removed.

2. PROJECTS' SCHEDULE. The Projects' Schedule attached to the Comprehensive Agreement as Exhibit B is hereby replaced with the Projects' Schedule attached hereto as Exhibit 1.

3. PROJECTS' BUDGET. The Projects' Budget attached to the Comprehensive Agreement as Exhibit C is hereby replaced by the Projects' Budget attached hereto as Exhibit 2.

4. OTHER TERMS AND CONDITIONS. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused their duly authorized representatives to execute this Amendment No 2 as of the day and year first above written.

**CITY OF NORFOLK**

By: \_\_\_\_\_  
Marcus D. Jones, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Contents Approved:

\_\_\_\_\_  
Director of Public Works

Approved as to Form and Correctness:

\_\_\_\_\_  
Martha P. McGann, Deputy City Attorney

**NORFOLK PUBLIC SCHOOLS**

By: \_\_\_\_\_  
Dr. Michael E. Thornton, Acting Superintendent

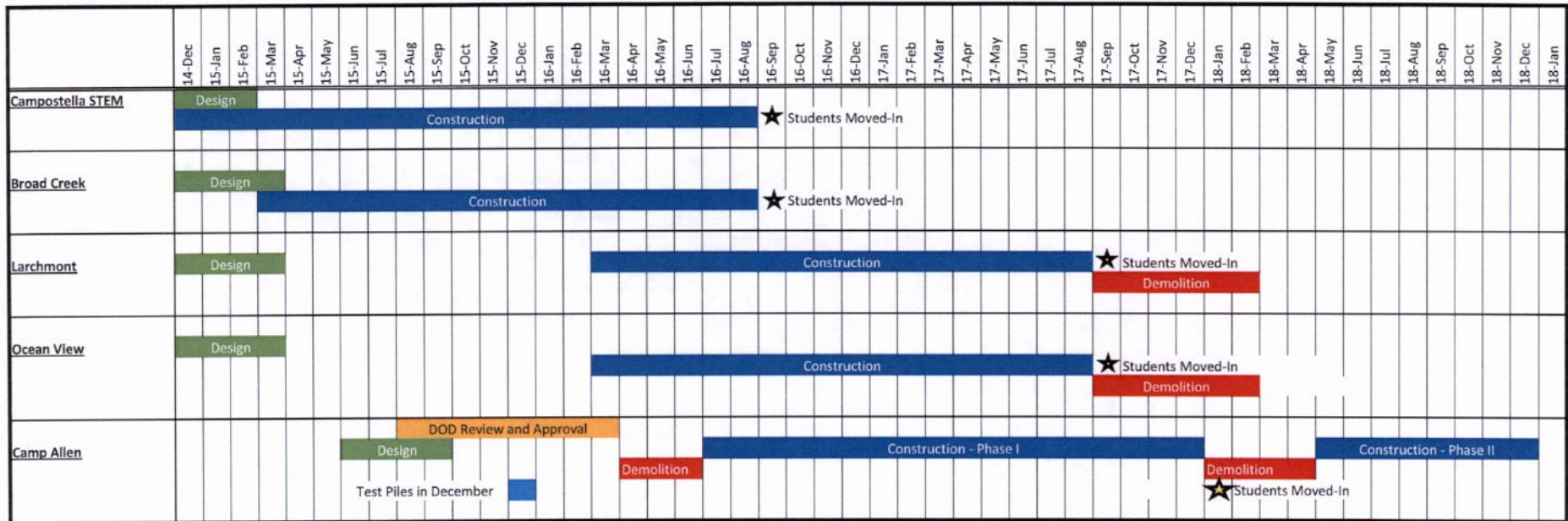
**S.B. BALLARD CONSTRUCTION COMPANY**

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Project Executive



## The Projects' Schedule





## EXHIBIT 2

Norfolk Public Schools – SBBCC PPEA Program  
Comprehensive Agreement Budget:

<u>Scope Description</u>	<u>Campostella</u>	<u>Broad Creek</u>	<u>Larchmont</u>	<u>Ocean View</u>	<u>Camp Allen</u>	<u>Totals</u>
Remaining Design	\$ 1,828,840	\$ 1,035,363	\$ 1,241,832	\$ 1,207,986	\$ 1,495,437	\$ 6,809,458
Construction	\$ 30,303,860	\$ 19,570,995	\$ 19,628,466	\$ 19,224,059	\$ 22,953,129	\$ 111,680,509
Contingency	\$ 200,000	\$ 716,472	\$ 813,466	\$ 766,648	\$ 729,807	\$ 3,226,393
Fees	\$ 1,592,582	\$ 970,110	\$ 991,518	\$ 982,803	\$ 1,265,193	\$ 5,802,206
Allowance Reduction	\$ (2,074,860)	\$ (1,251,817)	\$ (1,185,195)	\$ (1,178,922)		\$ (5,690,794)

Total Value Per School	\$ 31,850,422	\$ 21,041,123	\$ 21,490,087	\$ 21,002,574	\$ 26,443,566	\$ 121,827,772
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Total Cost Value For All Schools = \$121,827,772